

1 EDMUND G. BROWN JR.
Attorney General of California
2 KAREN B. CHAPPELLE
Supervising Deputy Attorney General
3 ANTONIO LOPEZ, JR.
Deputy Attorney General
4 State Bar No. 206387
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2536
6 Facsimile: (213) 897-2804
Attorneys for Complainant
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8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. *2011-538*

11 **JUDITH L. READ**
12 **AKA JUDITH READ SPENCE**
13 **AKA JUDITH L. MCCARTY**
14 **1752 E Ave. J # 124**
Lancaster, CA 93535

A C C U S A T I O N

15 **Registered Nurse License No. 515873**

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her
21 official capacity as the Executive Officer of the Board of Registered Nursing ("Board"),
22 Department of Consumer Affairs.

23 **Registered Nurse License**

24 2. On or about September 15, 1995, the Board issued Registered Nurse License Number
25 515873 to Judith L. Read, aka Judith Read Spence, aka Judith L. McCarty ("Respondent"). The
26 registered nurse license was in full force and effect at all times relevant to the charges brought
27 herein and will expire on June 30, 2011, unless renewed.
28

STATUTORY PROVISIONS

3. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with Code section 2750) of the Nursing Practice Act.

4. Code section 118 provides, in pertinent part, that the withdrawal of an application for a license after it has been filed with a board . . . shall not deprive the board of its authority to institute or continue a proceeding against the applicant for the denial of the license upon any ground provided by law or to enter an order denying the license upon any ground.

5. Code section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under Code section 2811, subdivision (b), the Board may renew an expired license at any time within eight years after the expiration.

6. Code section 2761 states, in pertinent part:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

.....

(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action....

(e) Making or giving any false statement or information in connection with the application for issuance of a certificate or license.

COST RECOVERY

7. Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Disciplinary Action by the Colorado State Board of Nursing)**

3 8. Respondent is subject to discipline pursuant to Code section 2761, subdivision (a)(4),
4 on the grounds of unprofessional conduct, in that she was disciplined by the Colorado State Board
5 of Nursing ("Colorado Board"), as follows:

6 9. On or about August 22, 2007, following a Board investigation and Inquiry Panel
7 meeting, in Case No. 2007-000093 (Judith L. Read, RN), the Colorado Board issued a Letter of
8 Admonition on Respondent's nursing license.

9 10. The Colorado Board based its action on the following facts:

10 a. On or about May 2006, Respondent was employed as an RN at Colorado State
11 Veterans Home at Fitzsimons.

12 b. On or about May 28, 2006, while on duty as charge nurse on the night shift, a hospice
13 resident was found dead on the floor at 0300 hours.

14 c. The deceased resident had a history of being restless throughout his stay at the
15 facility.

16 d. On or about May 28, 2006, the resident was again restless, attempting to crawl over
17 the pillow placed at his side for safety, had diarrhea and was bleeding from a skin tear.

18 e. Respondent failed to document the resident's condition that night and did not reflect
19 any notification of other health care providers.

20 f. Respondent failed to demonstrate appropriate oversight of the resident which fell
21 below the generally accepted standard of nursing care.

22 **SECOND CAUSE FOR DISCIPLINE**

23 **(Making or Giving False Statement in Application for Licensure)**

24 11. Respondent is subject to discipline pursuant to Code section 2761, subdivision (e), on
25 the grounds of unprofessional conduct, in that she made a false statement in a
26 Supplemental Information Report, as follows:

27 12. On or about June 25, 2009, Respondent provided information to the California Board
28 for a Supplemental Information Report.

1 13. In the Supplemental Information Report, Respondent was asked the following
2 question: "Since you last renewed your license, have you had any license disciplined by a
3 government agency or other disciplinary body?"

4 14. In response to the question above, Respondent indicated a "NO" response.

5 15. At the time Respondent made the negative response, she had already had a license
6 subject to discipline as described above in paragraphs 8 through 10.

7 **THIRD CAUSE FOR DISCIPLINE**

8 **(Unprofessional Conduct)**

9 16. Respondent is subject to discipline under Code section 2761, subdivision (a), on the
10 grounds of unprofessional conduct, in that Respondent committed acts constituting unprofessional
11 conduct, as more particularly set forth in paragraphs 8 through 15, above.

12 **PRAYER**

13 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
14 and that following the hearing, the Board of Registered Nursing issue a decision:

15 1. Revoking or suspending Registered Nurse License Number 515873, issued to Judith
16 L. Read, aka Judith Read Spence, aka Judith L. McCarty;

17 2. Ordering Judith L. Read, aka Judith Read Spence, aka Judith L. McCarty, to pay the
18 Board of Registered Nursing the reasonable costs of the investigation and enforcement of this
19 case, pursuant to Business and Professions Code section 125.3; and,

20 3. Taking such other and further action as deemed necessary and proper.

21 DATED: December 15, 2010

22 *Louise R. Bailey*
LOUISE R. BAILEY, M.Ed., RN
23 Executive Officer
24 Board of Registered Nursing
Department of Consumer Affairs
State of California
25 Complainant

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